

of *Richard Jordan* and *Lee* and wife as founded on a bond given by *Jeremiah Booth*, his co-obligor *Edmund Key* being insolvent. And it is further *Ordered*, that the said exceptions of the parties, so far as they may be inconsistent with this order, be and they are hereby overruled.

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In a report made in obedience to this order, and filed on 4th of February, 1831, the auditor says, that he had again examined the proceedings and stated certain additional claims, lately exhibited, which were numbered from 5 to 9, inclusive. That No. 5, was on a judgment rendered against *James Walker* and *Jeremiah Booth*, on the 8th of August, 1821, prior to the judgment of *Stone & McWilliams'* claim, No. 3. But that the judgment was not under seal; and there was no affidavit of the assignor; it also appeared, from an endorsement on the short copy filed, that the judgment had been enjoined in equity. That No. 6, No. 7, and No. 9, were judgment claims, but were not proved in the usual manner; and were subsequent to the judgment claim, No. 3, which was more than equal to the fund to be distributed. And that he had stated an account applying the balance left unappropriated by his report of the 31st of July, 1829, to the payment of the additional costs, claim No. 5, and a part of the judgment claim of *Stone & McWilliams*, No. 3.

After which, on the 7th of February, 1831, the petitioners *Lee* and wife and *Richard Jordan*, excepted to the allowance made by the auditor in his report and account filed on the 19th of June, 1826, of the said sum of one thousand dollars as a credit to said *Booth* on account of the said purchase money; because, among other reasons, the said payment does not appear to have been authorized by any order of the court. And they further excepted to the allowance of all other items and payments in said account as credits as aforesaid not appearing to have been authorized by the court or any order thereof.

7th February, 1831.—BLAND, Chancellor.—*Ordered*, that this last report of the auditor be and the same is hereby ratified and confirmed; and that the exceptions this day filed be overruled; and the trustee is directed to apply the proceeds accordingly: except as to the claim No. 5; the determination upon which is hereby suspended until the 24th of March next; at any time after which day, the said claim No. 5, may be finally disposed of, on the application of any party interested in, or affected by it.

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